

MARIN CONSERVATION LEAGUE

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November 11, 2004

Cher Daniels
Supervising Environmental Planner
Department of Corrections
P.O. Box 942883
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SUBJECT: Draft Environmental Impact Report (DEIR) for The San Quentin State Prison Condemned Inmate Complex (CIC) Project dated September 27, 2004.

Dear Ms. Daniels:

We have reviewed the subject DEIR and while it generally appears to be adequate within the strict limits of CEQA, we believe it is not nearly exhaustive or comprehensive enough, especially since there will be practically no opportunity for public comment on the project itself once the EIR is certified and accepted by the Department of Corrections. As the DEIR so pungently remarks, local jurisdictions have no land use or project review authority once the Department of Corrections decides to proceed.

The following specific comments do not reach to the merits of the proposed project itself, nor support any alternative including the San Quentin Vision Plan/Relocation of the SQSP Alternative discussed in this DEIR. Our comments are specifically confined to the adequacy of this DEIR only.

VISUAL RESOURCES:

The impact analysis in the DEIR is reasonably thorough and complete with respect to Visual Resources. The DEIR concludes that the proposed project impacts will be Significant and cannot be fully mitigated, i.e., they remain Significant Unavoidable Impacts under both the single-level and stacked design options. The Department of Corrections will, therefore, have to make findings that overriding public benefits and necessity exist to proceed with the project as proposed.

However, the DEIR fails to acknowledge that the Visual impacts of the proposed project is of regional significance and it makes no attempt to analyze or suggest mitigations that could be employed to reduce these regional impacts. The proposed project appears to be a standard off-the-shelf *design that* does not respect the setting in which it will be located. The CIC building(s) are large blockhouse structures with absolutely no attempt to meaningfully soften their outline, break up their mass, or

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reduce their obtrusiveness. No berming is proposed. The lighting and fencing creates a 'concentration camp' character and atmosphere at one of the most scenic entry and exit points of Marin County. The ambient light glare from the site will be increased substantially from that of the existing prison operations. It will be akin to placing an outdoor Sports Arena at the site that operates all night every night of the year. Yet the DEIR does not explore such mitigations as reducing the wattage of surveillance lights, or employing modern techniques such as motion sensors and infra-red technology, both of which could reduce the necessity for traditional high intensity prison lighting.

Under the circumstances, we believe that greater depth to the analysis of possible effective mitigations to the Visual impacts of the project is warranted and appropriate.

AIR QUALITY:

The DEIR is complete with respect to regulated "Criteria Pollutants" under CEQA. However, no attempt is made to translate the project's energy use operationally and for related transportation impacts with respect to emissions of CO2 and other greenhouse gases, which are important constituents of Air Quality regionally and nationally. This deserves greater attention and elaboration. The State should take the lead in determining such impacts for all major public projects such as this one. We urge the Department of Corrections to expand the DEIR to include this analysis.

BIOLOGICAL RESOURCES:

While this section of the DEIR is generally adequate, it is silent on the potential effects of the high intensity lighting glare on the neighboring Corte Madera marshlands. The lighting impacts on wildlife in these marshlands should be addressed in the report.

We disagree with the DEIR's conclusion that after the proposed mitigation measures the impact of the operation of the electrified fence will be Less Than Significant. The DEIR admits that it is possible that some birds protected by the MBTA and the Fish and Game Code will result in their deaths. The loss of any birds protected by these laws (especially raptors and endangered migratory birds) is unacceptable, and, in our view, constitutes a Significant and Unavoidable impact for which overriding public benefit findings must be made.

PUBLIC SERVICES AND UTILITIES:

WATER SUPPLY

The CIC project at maximum capacity is over the threshold of what constitutes a Significant Impact for the Marin Municipal Water District (MMWD). It would contribute to the need for MMWD to construct new water supply facilities. This is true despite the present planned retrofit of the existing San Quentin Prison facilities with automated low-flow flush toilets and restricting the number of flushes per day. The DEIR appears to assume that MMWD will increase available water supply by

constructing a 15mgd desalination plant and that the San Quentin Prison plus the CIC will be assured of needed water in a potentially water short county. This may or may not occur. The DEIR should not presume this new water supply source would become available. Although the DEIR does disclose the possibility of significant impacts of a desalination plant, it nonetheless assumes that somehow these will be mitigated and the plant will be constructed. The potential environmental impacts of this source of water supply is not analyzed, discussed, or even summarized. Are there other water efficiency and conservation measures that could be employed to reduce water demand by the project? Are there other possible water supply sources or facilities that could be used? If so, what would be their impacts? This section of the DEIR deserves expanded analysis.

ELECTRICITY AND NATURAL GAS:

The DEIR makes it clear that there will be substantial increases in electricity and natural gas use at San Quentin as a result of this project. It concludes that since PG&E has the ability to supply this additional energy that there is a Less Than Significant Impact from the project. The fact is that the increased level of electricity and natural gas use by the project does constitute a significant environmental and economic impact. The DEIR does not elaborate on how the new construction and operation of the CIC will incorporate energy efficiencies beyond compliance with California's Title 24, Part 6. The California Department of Corrections should serve as an example for state-of-the-art energy efficient design and material technologies, as some other State facilities have done. New building standards pursuant to AB270, adopted in November 2003, should be reflected throughout the existing SQSP as well as incorporated into the CIC project to offset the increased energy demand generated by the project. Making the CIC project energy use neutral should be a goal of the Department of Corrections and the DEIR should elaborate on this possibility as part of the proposed mitigations.

TRANSPORTATION:

Many aspects of the EIR, Section 4.12, and Transportation are inadequate. The EIR contains confusing numerical information and lacks important data relating to traffic impacts due to expansion of Prison operations and construction of the CIC. The Scope of the EIR limits the traffic study to only those additional trips resulting from increased prisoner population. Though these trips are a small percentage of the current traffic totals in the area, they do create significant impacts. The Attached Speed-Flow Curve¹ shows that once traffic starts to slow, traffic flow rates diminish quickly. Many of the roadways and intersections in the project area are already operating with slowed traffic. Thus the addition of Project Trips can create significant impacts. The impacts include the wasting of human resources lost while stuck in traffic, the increase in air pollution resulting of autos idle ling, and the consumption of non-renewable fuels.

¹ F.L. Hall, V.F. Hurdle, and J.M Banks, "Synthesis of recent work on the nature of speed-flow and flow-occupancy (or density) relationships on freeways", Transportation Research Record 1365, 1992, pp. 12-17

Our comments on Transportation are structured as follows:

- General Comments
- Mitigations
- Detailed Technical Issues

GENERAL COMMENTS

The SQSP CIC project is bounded by transportation infrastructures that are fixed in design are operating at above capacity. Should the CIC project proceed as described, it will be decades before funds will be available to upgrade the surrounding infrastructure. As a result the CIC project will create added delays to those that exist today. The environmental preferred design and use for SQSP is to either maintain or reduce the current trip generation or to change its use to an appropriately sized multifunctional development.

Current trip generation levels could be achieved by building a new CIC operation at part of an existing prison where existing transportation infrastructure can absorb the added trips generated by the CIC.

The EIR is silent on the realities of the high cost of housing near the prison. This results in long commutes for prison staff that consumes time and expenses for staff, adds to regional congestion, and adds to air pollution and fuel consumption.

Roadways affected by Project Traffic – The northbound (NB) traffic at the intersection of Highway 101 and I-580 should be included in the EIR study area. Though this intersection is not directly adjacent to the CIC, it is directly impacted by CIC traffic, and is currently heavily congested. The reasoning to study this intersection should be the same as that led to the evaluation of the Highway 101 intersection with Sir Francis Drake Blvd.

The timing for the Construction traffic relating to the CIC should be reviewed against the likely timing of the Richmond-San Rafael Bridge Seismic Retrofit Project including the deck replacement, all phases of the San Rafael Gap Closure Project, Larkspur's Widening of Sir Francis Drake Blvd. and construction of a new interchange at Highway 101 and Sir Francis Drake Blvd. If timing for these projects overlap CIC construction, the impacts of the combined projects will be greater than their separate impacts.

An explanation should be provided as to the nature of work demanding the 600 construction workers that later drops to 150. The EIR should stipulate how many trips per day each construction worker will make. The contract for the CIC should stipulate maximum "daily trip per worker" and require the contractor to measure and report traffic counts and to take steps to be below the maximum determined by the EIR traffic analysis.

The EIR should evaluate the traffic impacts during construction to the same level of detail as that used for Project Traffic. The trip distribution for the construction traffic must be determined. It will be different than the employment distribution. If a high percentage of trips are destined to Marin, Contra Costa or Sonoma County gravel, asphalt and concrete suppliers, the impact of these trips should be determined along the entire route through and into these three counties.

The Traffic Counts and subsequent delays depicted by the EIR do not appear to reflect observable congestion at key intersections. The EIR should explain how the observable congestion that backs up from Sir Francis Drake Blvd. onto 101 can be tabulated as a LOS C. If this intersection is LOS C, why is Larkspur spending thousands on improvement here, and the CMA's #1 project for Regional Measure 2 funding is to spend millions to revamp this entire interchange. The EIR should include a comparison of the traffic study results used by Larkspur and Caltrans to justify these projects.

MITIGATIONS

Mitigation 4.12.a "Degradation of LOS at Intersections. The EIR should include a traffic operations study of the proposed traffic signal at Main Street/580 intersection.

A traffic light at Main Street and I580 is going to allow a significant surge of vehicles to enter the bridge when the light changes. The EIR needs to evaluate the likely impact on this surge of vehicles on 580 eastbound traffic. Will it cause stoppages that will cause likely accidents? What is the design and performance standard of the acceleration lane approaching the bridge? Is it to Caltrans standards? Should this intersection have metering lights?

Mitigation 4.12.b Construction Related Traffic Impacts. The EIR is inadequate. The peak traffic in Marin is from 6:00 a.m. to 10:00 a.m. The EIR should clearly define how the proposed "staggered start time" will avoid this impact. Detailed construction traffic and parking impact studies should be included in the EIR for all phases of construction.

Mitigation (new): Determine the regional impacts resulting from the housing patterns of existing SQSP workforce, keeping in mind that new employees will be purchasing homes at an ever increasing distance from SQSP.

Mitigation (new): Develop a Traffic Demand Management Plan (TDM) for all SQSP operations. This would include van and car pools, staggered work hours for administrative staff, and scheduled freight arrivals. Initiate programs that encourage the use of high efficiency low emissions vehicles.

DETAILED TECHNICAL ISSUES

1. Re: Pg. 4.12-4 – Routing and schedules of GGBHTD bus service should be updated to reflect current operations.
2. There should be consistency in the stated trip generation. Table 4.12-5, Page 4.12-19 requires clarification. The a.m. peak table shows a trip RATE per employee of 0.11. How is this rate determined? The discussion on this topic in the Draft Traffic Study, Page 29, does not clarify the issue. It would be more useful if the SIZE represented the number of workers that will travel during a designated period and the RATE should be the number of trips an employee takes during that time period. This would reflect standard trip generation ratios used for analysis. All tables should define units of measure for all factors.
3. The traffic patterns shown in Exhibit 4.12-11 should include the traffic volumes in addition to the percentages shown. This would be similar to Draft Traffic Study Figure 14.
4. Trip generation source data needs clarification. Draft Traffic Study Table 6 shows 176 trips from 563 new weekday employees. Draft Traffic Study Figure 14 shows 306 trips. Explain the difference.
5. Table 4.12-7 needs clarification. The Project trips add up to 74 trips. Table 4.12-5 shows a weekday trip total of 166. Trip generation calculation must be clearly described.
6. The EIR traffic studies should determine the maximum allowable trips for workers and freight. The Contractor would have to provide mitigations that will control trips to the prescribed levels. This would include provisions for park and ride lots close to the residence of the workers. Van should be provided where necessary. Safe storage of workers tools and belongings should be provided, so as to eliminate the necessity for the worker to carry the tools home every day. Freight trip arrivals would be metered in order to avoid peak congestion.
7. Details of the trip counts for workers and the number of freight hauling trucks should be defined for the entire duration of the construction project.
8. Exhibit 5-2 shows an eastbound traffic of 2,195 trips through the intersection. This exceeds the limit of one lane of approximately 1,900 or less due to the curve in the road at this intersection. This implies that a second lane be built from Larkspur Landing Circle to I580. We could not locate any mention of such an addition in the EIR.

The Marin Conservation League appreciates the opportunity to submit these comments. We look forward to the Department's responses and to any further opportunities to participate in the project review process.

Sincerely,



Jana Haehl, President

Speed-Flow Relationship

Much of the research at McMaster has focused on the speed-flow relationship for freeways. This research can be categorized under the following headings:

- General Shape of the Speed-Flow Curve
- Uncongested Portion of the Speed-Flow Curve
- Congested Portion of the Speed-Flow Curve
- Capacity Drop Issue
- Comparisons With Other Countries
- Effect of Adverse Weather Conditions of Speed-Flow-Occupancy Relationships

General Shape of the Speed-Flow Curve

Research published since the mid 1980s has provided a revised picture of the relationship between speed and flow. This research was pulled together in the reference cited below, and resulted in the depiction shown in this figure.

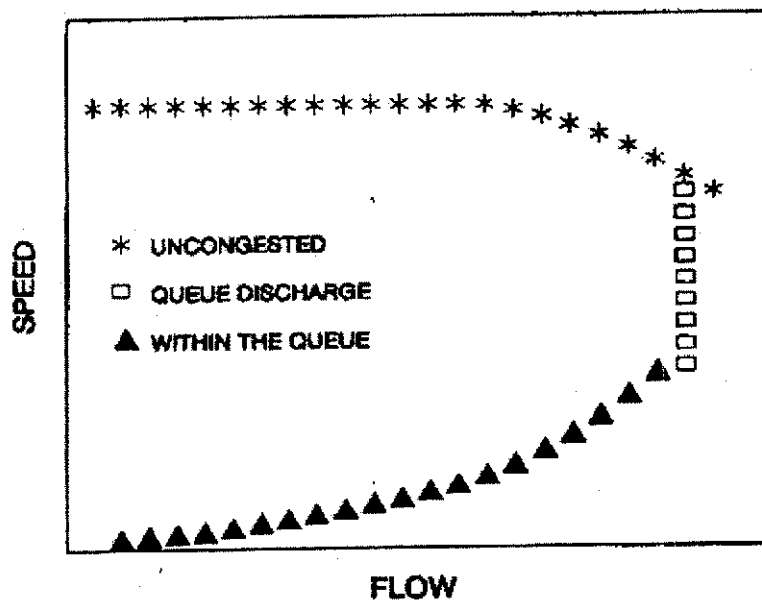


Figure 1: Generalized Speed-Flow Relationships (TRR 1365, pp.13)

Letter 14

Marin Conservation League

Jana Haehl

November 11, 2004

- 14-1** The comment provides introductory remarks for subsequent comments. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.
- 14-2** The comment states that CDC will need to make findings of overriding considerations related to visual resources if the project is approved. The comment is correct. If CDC decides to certify the EIR and approve the project, CDC will need to prepare Findings for each of the project's significant environmental effects explaining the rationale for each finding (State CEQA Guidelines Section 15091) and prepare a Statement of Overriding Considerations that identifies the specific reasons for approving a project that results in significant effects that are not avoided or substantially lessened through mitigation (State CEQA Guidelines Section 15093), which is the case for visual impacts.
- 14-3** The comment states that the Draft EIR should evaluate additional visual mitigation and suggests considering lower-wattage lighting, motion sensors, and berming. Please refer to Master Response 2.
- 14-4** The comment urges CDC to evaluate project impacts associated with emissions of carbon dioxide and greenhouse gases. The Bay Area Air Quality Management District (BAAQMD) (the agency responsible for overseeing air quality) does not require a specific analysis for evaluating project-generated greenhouse gas emissions. However, greenhouse gases were analyzed indirectly through the evaluation of localized and regional pollutants in the Draft EIR.

The analysis evaluates regional emissions of precursors to ozone, one of the principle compounds contributing to global warming, including oxides of nitrogen. Other greenhouse gases that were not analyzed, such as methane, would not be generated by the project.

Because emissions and ambient concentrations of carbon monoxide have decreased greatly in recent years and no exceedances of the State or national carbon monoxide standards have been recorded at any of the region's monitoring stations since 1991, the BAAQMD does not require an analysis of regional carbon monoxide emissions. Localized carbon monoxide concentrations are only a concern in relation to increased operation of mobile sources. The Draft EIR evaluated potential areas of heavy traffic volumes and congestion and determined that localized carbon monoxide concentrations would not exceed significance thresholds and no significant impacts would occur. Please refer to Section 4.2, "Air Quality," for a discussion of the project's air quality impacts.

- 14-5** The comment states that the Draft EIR should analyze the effects of high-intensity lighting on the neighboring Corte Madera Marshlands. Please refer to response to comment 9-42.
- 14-6** The comment disagrees with the Draft EIR's conclusion that implementation of mitigation measures would reduce the project's potential electrified fence impacts on birds to a less-than-significant level. CDC disagrees. Please refer to response to comment 9-43. No new evidence is

provided in this or in other comments that suggest the analysis presented in the Draft EIR is incorrect.

- 14-7** The comment states that the project contributes to the need to construct new water supply facilities, and the Draft EIR incorrectly presumes that available water supply will increase through construction of a desalination plant. The comment also states that the Draft EIR should analyze potential environmental impacts of constructing the desalination plant. The desalination plant is not needed to serve the project. If it is never built, the proposed project would still be able to proceed under its existing water entitlements with MMWD. Please refer to response to comment 9-37.

- 14-8** The comment disagrees with the Draft EIR's conclusion regarding electricity impacts. The comment also states that CDC should serve as an example for state-of-the-art energy-efficient design and material technologies and the project should incorporate new building standards pursuant to AB 270.

Please refer to responses to comments 9-59, 9-60, and 9-61 regarding energy use, and response to comment 11-3 for a discussion of economic impacts. No information is provided in this or in other comments that suggest that the analysis presented Draft EIR is incorrect.

- 14-9** The comment states that the Draft EIR contains confusing numerical information and lacks data relating to traffic impacts, but no specific inaccuracies are identified. Because no specific issues pertaining to the analysis are identified, no further response can be provided.

The comment also states that the Draft EIR limits analysis to additional trips resulting from increased prisoner population and that even small trip increases can create significant impacts. The comment is correct that the transportation analysis provided in the Draft EIR (Section 4.12) evaluates the traffic impacts associated with employee and operational trips associated with the proposed CIC. CDC also agrees that small increases in vehicle trips on local roadways could result in significant impacts, depending on the site-specific roadway conditions present at the time a project is constructed. In the case of the proposed project, the Draft EIR concluded that all study area intersections would operate acceptably, with the exception of the Main Street/I-580 eastbound on/off-ramp intersection. Mitigation has been recommended in the Draft EIR to reduce this impact to a less-than-significant level. Please refer to response to comment 10-11.

- 14-10** The comment states that the project would create added traffic delays to existing conditions. This comment is acknowledged and has been evaluated in Section 4.12 of the Draft EIR. Because no specific issues pertaining to the analysis are identified, no further response can be provided. As to the comment regarding maintaining current trip generation, the traffic analysis was based on worst-case, maximum inmate capacity conditions. CDC intends to operate the prison, including the CIC, at budgeted capacity, which is equivalent to current conditions. Also, please see Section 1.5 of this document, as well as Master Response 3, which explain that the proposed project would have fewer staff, and therefore less effect on the transportation system, than determined in the Draft EIR.

- 14-11** The comment states that current trip levels could be maintained if the project were built as part of an existing prison where transportation infrastructure could absorb the added trips. This comment appears to suggest relocation of the project. With regard to relocation of the project, please refer to Master Response 1.

- 14-12** The comment states that the Draft EIR is silent on the realities of the high cost of housing near the prison, which results in long commutes for prison staff and adds to regional congestion, air

pollution, and fuel consumption. CDC disagrees. As stated in the Draft EIR (see page 4.10-7), there is no question that housing prices are high in Marin County; as a result, employees would need to commute to the site from surrounding counties.

The transportation analysis prepared for the Draft EIR considered regional commute patterns of existing staff at SQSP and bases commute patterns and trip assumptions for new employees on this data. Furthermore, the air quality analysis evaluated mobile-source emissions based on transportation data prepared for the EIR (included in Appendix G of the Draft EIR). Please refer to Section 4.2 (“Air Quality”) and 4.12 (“Transportation”) of the Draft EIR. Because no specific issues pertaining to the analysis are identified, no further response can be provided.

- 14-13** The comment states that the northbound traffic at the intersection of Highway 101 and I-580 should be included in the traffic analysis. Please refer to response to comment 10-16.
- 14-14** The comment states that timing for construction traffic associated with the project should be reviewed against the likely timing for construction traffic associated with the Richmond–San Rafael Bridge Seismic Retrofit Project, San Rafael Gap Closure Project, Larkspur’s widening of Sir Francis Drake Boulevard, and construction of a new interchange at Highway 101. CDC acknowledges that construction schedules of major infrastructure projects (such as the Richmond–San Rafael Bridge Seismic Retrofit Project) could result in greater temporary traffic impacts than those identified for each of those projects individually. However, of the projects identified in the comment, only the Richmond–San Rafael Bridge Seismic Retrofit Project is currently under construction. Because of the long construction schedule associated with this project, it is likely that construction traffic associated with the proposed CIC would occur simultaneously with this project. The timing and funding status for the remaining projects is uncertain, and it is unknown when these projects would actually be implemented. Regarding construction traffic associated with the Richmond-San Rafael Bridge project, this project is currently under construction and construction-related vehicle trips are accounted for in existing condition vehicle traffic counts conducted for the project. Therefore, the project’s construction trips would be additive to existing condition trips at local intersections, but inclusive of the bridge project construction traffic. As described in response to comment 14-15 below, the project’s construction trips would be limited to a maximum of 90 trips during any one peak hour. With this limitation, the project’s construction impacts would be less than significant.
- 14-15** The comment states that the Draft EIR should explain the nature of work demanding 600 construction workers that later drops to 150 workers and stipulate how many trips per day each worker would make. The comment also states that the contractor should be required to measure and report traffic counts and take necessary measures to stay below the maximum daily trips determined in the Draft EIR.

Regarding construction activities, construction of the CIC would generally proceed in one of three construction phases: site preparation/utility installation, building construction, project closeout. The site preparation/utility construction phase would generally account for 20% (approximately 5–6 months) of the overall construction schedule and would involve building demolition, site grading, and utility (i.e., infrastructure) construction. The building construction phase is typically the most intensive phase of construction and would involve the simultaneous construction of all buildings on-site including mechanical equipment, plumbing, and electrical facilities. All building trades (e.g., framers, roofers, plumber, electricians, and specialty trades) would be on-site during this period. This construction period typically accounts for 60 % (16 to 18 months) of the construction period. Within this phase of development, there typically is a peak maximum period where several activities occur at a high level simultaneously. This peak period

is expected to last 6 to 8 months. The final closeout phase of project construction is generally the least intensive phase and involves activities that refine or put the final touches on proposed facilities (e.g., painting, fixture installation). This phase typically accounts for 20% (5 to 6 months) of the construction period. The following table presents an estimate of the number of construction workers that would commute to the site for each of the construction periods.

Construction Period	Construction Workers
Site Preparation/Utility Construction	100–200
Building Construction	250–550 (maximum = 500–550 workers for 6 to 8 months)
Project Closeout	100–150
Source: CDC 2005	

Regarding daily trips, construction personnel would typically generate two one-way daily trips: one trip arriving to the site and one trip departing from the site. Other construction activities (i.e., delivery of construction vehicles, equipment, and supplies) would also be generated during the construction period.

To provide additional information regarding construction-related vehicle trips and their effect on study area roadways and intersections, a sensitivity analysis was conducted to determine how many additional vehicle trips could be added to the local roadway network before triggering additional impacts not previously identified and analyzed in the Draft EIR. Therefore, a threshold was determined for the roadway network; if the project would result in vehicle trips that exceed this threshold, mitigation would be required to constrain the construction traffic to below that threshold.

The sensitivity analysis included evaluation of all study area intersections. The peak-hour periods used in the analysis included the weekday a.m., (7:00–8:00 a.m.) midday (12 p.m.–2 p.m.), and p.m. (5:00–6:00 p.m.) peak-hours (Appendix I). These times correspond to traffic counts and peaking characteristics known, observed, and used in preparation of the traffic analysis for the project. Based on existing LOS and roadway volumes of study area intersections, it was determined that the project could generate up to 99 peak-hour trips to and from the project site, and traffic impacts associated with the project (i.e., LOS and average delays) would be the same as reported in Section 4.12 of the Draft EIR; the significance of traffic impacts would not change. Peak-hour trips in excess of 99 trips could potentially result in significant and adverse traffic impacts. Because of the high variability in construction activities that would occur at the project site, it is unknown whether the project would generate more than 99 peak hour trips, but it is reasonable to assume this situation could occur. Therefore, to ensure that project construction activities would not result in significant traffic impacts, the following language has been added to Mitigation Measure 4.12-b of the Draft EIR. This change is reflected in Chapter 4.0, “Changes and Corrections to the Draft EIR,” of this document and does not alter or otherwise change the impact conclusions of the Draft EIR.

Page 4.12-27, Mitigation Measure 4.12-b has been changed as follows:

4.12-b: Construction-Related Traffic Impacts

- Construction employee arrival and departure schedules shall be staggered so they ~~do not coincide with~~ are minimized during adjacent street peak hours (7:00 a.m.–9:00 a.m. and 4:00 p.m.–6:00 p.m.).

- CDC, or its construction contractors, shall develop a construction vehicle traffic plan before start of any construction activities. This plan will identify measures and operating strategies that will be put in place to ensure that the total number of peak hour construction vehicles accessing the project site does not exceed 90 vehicles in any one peak hour (i.e., 7:00–9:00 a.m.; 4:00–6:00 p.m.). Specific measures may include implementing a traffic management plan that limits construction vehicles to no more than 90 peak-hour trips and designating appropriate existing off-site ridesharing lots outside project area study areas where construction personnel would park and be bussed to the site in large groups. Only vehicles with authorized permits would be allowed to access the site directly – CDC will control the number of permits issued in coordination with the selected construction contractor. CDC will be responsible for enforcing these conditions. With implementation of these measures, the project’s construction-related vehicle trips would not result in any additional transportation impacts other than those described for the project and mitigated in the Draft EIR, with a margin of error included in the analysis.
- The long-term traffic improvements referenced in 4.12-a would result in the installation of traffic signals at the Main Street I-580 on/off-ramps intersection (see 4.12-a). CDC would pay ~~fair share of~~ full cost for improvements ~~before the initiation of proposed project building construction.~~ CDC will coordinate with Caltrans and Marin County regarding the design, siting, and installation of this traffic signal. Because this intersection will not be substantially used during construction (west gate is the primary access), it is not essential that the signal is installed until the CIC is operational and SQSP employment increases above current levels.

14-16 The comment states that the Draft EIR should evaluate traffic impacts during construction at the same level of detail as project-generated traffic. The comment also states that if a high percentage of trips are destined to Marin, Contra Costa, or Sonoma County gravel, asphalt, and concrete suppliers, the impacts of these trips should be determined.

Construction impacts are short term, especially peak construction. Nevertheless, please refer to response to comment 14-15.

Regarding regional traffic impacts, please refer to response to comment 10-16.

14-17 The comment states that traffic counts and subsequent delays depicted in the Draft EIR do not reflect observable congestion at key intersections. The data presented in the Draft EIR is based on data provided by local jurisdictions (e.g., City of San Rafael, City of Larkspur), and observed and measured data collected in March 2004.

The comment states that the Draft EIR should explain how the observable congestion that backs up from Sir Francis Drake Boulevard to U.S. 101 is listed as operating at LOS C and questions why improvements are planned for this intersection if it is operating at LOS C. The comment appears to reference the intersection of U.S. 101 northbound on/off-ramps/Sir Francis Drake Boulevard. As described in this Draft EIR, modeling performed for the project (according to City of Larkspur modeling methodologies) indicates that with the project this intersection would operate at LOS C

under all peak hour-conditions (Table 4.12-6 of the Draft EIR). Under existing conditions, the City of Larkspur's General Plan indicates LOS C for this intersection, as well. However, under cumulative conditions, the City's General Plan indicates that this intersection would operate unacceptably and, therefore, mitigation has been recommended to improve it.

The comment states that the Draft EIR should include a comparison of traffic study results used by Larkspur and Caltrans, but does not reference those studies. The traffic analysis was prepared using methodology prescribed by the City of Larkspur (see page 4.12-11 of the Draft EIR). Furthermore, the City of Larkspur and Caltrans have not provided any comments that disagree with the results provided.

- 14-18** The comment states that the Draft EIR should include a traffic operations study for the traffic signal proposed for Main Street/I-580 eastbound on/off-ramps. Please refer to response to comment 10-11. As described therein, CDC will coordinate with Caltrans and Marin County regarding the signalization of this intersection. Caltrans is the agency responsible for appropriately siting the signal and for determining timing operations. Before installation of this signal, Caltrans will collect data (i.e., traffic counts) for use in signal design. Furthermore, adequate space exists for the queuing of vehicles along the on/off-ramps during peak hours, and no design alternations to these facilities would be required.
- 14-19** The comment identifies Mitigation Measure 4.12-b and states that peak commute times are from 6:00 a.m. to 10:00 a.m., and that the Draft EIR should define how the proposed staggered start time (referenced in Mitigation Measure 4.12-b) would avoid impacts during peak hours. The traffic analysis determined peak commute times for area roadways based on traffic counts conducted for the project. The project's peak hour (i.e., the hour where the highest volume of vehicles occurs) varied among the study area intersections, but fell within the 7:00 a.m. to 9:00 a.m. time period. Therefore, the traffic analysis and mitigation were based on this time period, and project-related trips that occur outside this time period would avoid impacts. Please refer to response to comment 14-15.
- 14-20** The comment recommends a new mitigation measure that requires determination of the regional impacts resulting from the housing patterns of existing SQSP workforce. Please refer to response to comment 14-12.
- 14-21** The comment appears to recommend a new mitigation measure that requires developing a Traffic Demand Management Plan (TDM) for all SQSP operations. Please refer to response to comment 14-15 regarding construction. Regarding operations, mitigation 4.12-a would reduce all traffic impacts to a less-than-significant level; additional measures are not needed.
- 14-22** The comment states that the routing and schedules for GGBHTD bus service should be updated to reflect current operations. Please refer to response to comment 9-66.
- 14-23** The comment states that clarification of Table 4.12-5 is required and asks how the trip rate per employee of 0.11 was determined. The comment also states that all tables should define units of measure for all factors.

Regarding clarification of Table 4.12-5, the trip rate was calculated using employees as the independent variable because this is a known quantity for existing (1,612 employees) and future (2,260 employees at maximum capacity) conditions at SQSP. The trip rate includes consideration of factors such as all trip purposes (e.g., employees vs. visitors) and was calculated for each peak-hour period. Employees were assigned to each peak period based on existing watch (shift) assignments, and this number was multiplied by the trip rate to calculated project trips. The trip rate per employee

of 0.11 was calculated based on the total number of inbound and outbound vehicles during the a.m. peak hour divided by the maximum number of employees on-duty during the a.m. shift (1,169). Based on the traffic counts conducted for the project, a total of 90 inbound and 38 outbound vehicles (total of 128) access east gate during the a.m. peak hour, resulting in a trip rate of 0.11 when divided by the total number of employees (128 divided by 1,169 equals 0.11).

As described in Section 1.5 of this document and Master Response 3, maximum employment would be approximately 3% less than described in the Draft EIR as a result of conversion of the H-Unit. Consequently, traffic impacts would also be less. CDC did not calculate what the reduction in impacts would be, and instead has committed to implementation of the same mitigation measures as identified in the Draft EIR.

- 14-24** The comment states that traffic volumes and percentages should be shown in Exhibit 4.12-11. The purpose of Exhibit 4.12-11 is to show the distribution percentages of project trips along study area roadways. Figure 14 and of Appendix G shows the distribution of project trips by study area intersections for weekday and weekend peak-hour periods.
- 14-25** The comment states that the trip generation source data needs clarification and references the Draft Traffic Study Table 6 and Figure 14. The comment is unclear in its comparison, but appears to compare the sum of the total trips provided in Table 5 with a sum of all the trip numbers for each intersection presented in Figure 14 (Appendix G). This comparison is not appropriate. Figure 14 presents weekday peak-hour trips generated by the project at each of the study intersections. The directions of approach and departure trips were determined based on the existing roadway network, the locations of the proposed access points, travel patterns, and locations of complementary land uses. Depending on individual travel patterns, one employee vehicle that departs or approaches the project site could result in a peak-hour trip assignment to multiple study area intersections. Therefore, comparison of total project trips to peak-hour trips at each of the study intersections is not appropriate.
- 14-26** The comment states that Table 4.12-7 needs clarification because trip generation calculations are not the same as those in Table 4.12-5. The comment inappropriately compares the data presented in Tables 4.12-7 and 4.12-5. Table 4.12-5 presents anticipated project trip generation during the four peak hour periods evaluated for the project. Table 4.12-7 presents the peak hour trips (all 4 peak hours) by study area intersection. The comment has apparently summed all of the trips for all study intersections for all peak periods (total of 74) and compared that number to 166, which is not referenced in either of the tables. Because the comment is unclear in its comparison, no further response can be provided.
- 14-27** The comment states that the Draft EIR should determine the maximum allowable trips for workers. The comment implies that construction personnel should limit the number of construction vehicles accessing the site. The comment also states that tool storage should be provided.

Regarding construction trips, please refer to response to comment 14-15.

Regarding tool storage, CDC will identify appropriate construction staging areas on the project site where construction equipment and tools could be safely and securely stored during project construction.

- 14-28** The comment states that the details of trip counts for workers and the number of freight hauling trucks for the entire duration of the construction project should be provided. Please refer to response to comment 14-15.
- 14-29** The comment states that data presented in Exhibit 5-2 implies a second lane would be built from Larkspur Landing Circle to I-580 and the Draft EIR does not mention this addition. The comment does not reference a specific intersection or roadway segment, but it is assumed the comment is referring to intersection number 6 (Sir Francis Drake Boulevard/west gate). Exhibit 5-2 presents cumulative project traffic volumes during the weekday a.m. and p.m. peak hours. Therefore, the project in combination with cumulative projects would result in traffic volumes presented in this exhibit. The Draft EIR does not imply that a second lane would be constructed along Sir Francis Drake Boulevard. Rather, it acknowledges that this intersection currently operates unacceptably and will continue to operate unacceptably in the future with or without the project (page 5-17 of the Draft EIR). Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 14-30** The comment concludes the letter. This comment is acknowledged. No further response is needed.

SAN RAFAEL
CHAMBER of
COMMERCE

817 Mission Avenue • San Rafael, CA 94901 • (415) 454-4163 • FAX: (415) 454-7039

November 10, 2004

Ms. Cher Daniels
Supervising Environmental Planner
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

Re: Comments on Draft Environmental Impact Report for the Proposed Condemned Inmate Complex at San Quentin State Prison

Dear Ms. Daniels:

We appreciate the opportunity to comment on the Draft Environmental Impact Report. We believe that the DEIR has a number of deficiencies that render it inadequate. They include the following:

1. The DEIR does not provide an honest assessment of project location alternatives. The State Auditor's findings reveal that the operation of San Quentin State Prison is already considerably higher than the operation of any other state prison. So it seems illogical that the DEIR does not examine a range of project location alternatives that could be more economically prudent. We believe that an adequate analysis of alternative sites for the CIC must be included in the DEIR.
2. The DEIR also fails to analyze construction of the CIC next to an existing facility where the need for additional support facilities would be diminished. The DEIR should also evaluate the possibility of decommissioning the existing San Quentin prison and constructing a smaller CIC on the site, allowing the remainder of the lands to be converted to uses called for in Marin County's San Quentin Vision Plan.
3. The mitigation measures for Visual Impacts are woefully inadequate. Painting stripes on the building will do nothing to improve its massive appearance. Alternatives to mitigating the visual impact from this huge structure need to be analyzed in the DEIR. The effect of increased lighting on the community of Corte Madera also has not been fully explored. To state that this will be a "less than significant" impact on the residents of Corte Madera is absurd. Changes in the view corridor from the project currently being developed by Monahan Pacific that abuts the San Quentin property must be analyzed as well.

4. The DEIR states that no land use mitigation is required, because the project will not be incompatible with onsite or offsite land uses. However, it is incompatible with the County of Marin's San Quentin Vision Plan, and this conflict must be discussed in the DEIR. The Vision Plan was drafted to address local and regional problems, mainly the lack of affordable housing and the need for a multi-modal transit hub to provide connections to other Bay Area locations.
5. San Quentin State Prison is currently MMWD's largest water user. The DEIR states that additional supplies can be met through MMWD's desalination plant. If the pilot desalination plant is successful, and if MMWD directors decide to move ahead with the plant, it could not be built before the CIC opens its doors. The DEIR states that merely paying a "connection fee" would guarantee adequate water supplies. This conclusion is illogical. The DEIR must analyze where additional water supplies will come from if MMWD is unable to build the desalination plant or to find new sources of water.
6. Perhaps the biggest flaw in the DEIR is its assumption that the project will provide employment opportunities in a region with a large labor pool. It also states that the region offers a large, available housing stock. Since almost half of San Quentin's current employees live in Sacramento County, it is foolish to assume that new employees will be able to live anywhere except on the fringes of the region. The average Marin County home with a price tag of \$750,000 certainly would be out of reach of all new employees. The region does not have adequate housing for its workforce now, so it is incorrect to assume that new employees would find housing here. Adding jobs without new housing guarantees that employees will have to commute long distances to work at the CIC.

The DEIR must analyze the traffic impacts of new employees driving to Marin County through the most congested corridors in the region. In addition, no analysis has been done on regional impacts through submission of the project information to the Marin County Congestion Management Agency as required by law.

We look forward to continued discussion on the CIC proposal.

Sincerely,



Elissa Giambastiani
President/CEO

cc: Richard Costigan, Office of the Governor
Assembly Member Joe Nation
Supervisor Steve Kinsey

Letter 15

San Rafael Chamber of Commerce

Elissa Giambastiani

November 10, 2004

- 15-1** The comment states that the Draft EIR's analysis of alternatives sites is inadequate. The comment does not provide rationale as to why the alternatives analysis is inadequate, so no further response can be provided. Please refer to Master Response 1.
- 15-2** The comment states that the Draft EIR should analyze alternatives that consider construction of the CIC next to an existing facility and a reduced size alternative. Please refer to Master Response 1 and responses to comments 9-20 and 9-21.
- 15-3** The comment states that the visual mitigation recommended in the Draft EIR is inadequate and disagrees with the impact conclusions for the Corte Madera viewshed. The comment does not provide rationale as to why the visual mitigation and analysis is inadequate, so no further response can be provided. Please refer to Master Response 2 and responses to comments 11-8, 11-9, 11-10, and 18-2.
- 15-4** The comment states that the project is incompatible with the Marin County San Quentin Vision Plan and suggests this conflict be discussed in the Draft EIR. Please see response to comment 9-47.
- 15-5** The comment states that the Draft EIR should analyze where additional water supplies will come from if MMWD is unable to build the desalinization plant or to find new sources of water. Please refer to response to comment 9-37.
- 15-6** The comment asserts that the Draft EIR incorrectly states there is a sufficient employment base and housing supply in the local area to construct and operate the CIC locally, but does not provide any evidence to support this assertion. Please see response to comment 9-50. Regarding where employees currently live, contrary to the comment that almost 50% of employees live in Sacramento County, the total is only 9% (see Draft EIR Table 4.10-1).
- 15-7** The comment states that the Draft EIR should analyze traffic impacts associated with new employees commuting to the site. The comment also implies that the regional traffic impacts of the project have not been evaluated because the Draft EIR was not submitted to the Marin County Congestion Management Agency (CMA).

Regarding evaluation of the project's regional transportation impacts, the Draft EIR evaluated transportation-related impacts associated with employees of the CIC (648 employees) commuting to and from the project site. Issue areas addressed included intersection level of service of study area roadways, parking, and on-site circulation. As described on page 4.12-21 of the Draft EIR, the project would result in 31 p.m. peak hour trips (8 inbound/23 outbound), which is substantially below Marin County's Congestion Management Program's (CMP) threshold (i.e., 100 p.m. peak hour trips) for preparation of a CMP analysis. Please also refer to responses to comments 10-16 and 10-23.

Regarding submittal of the Draft EIR to the Marin County CMA, please refer to response to comment 9-34.

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NOV 18 2004

Greenbrae Boardwalk
Greenbrae, CA

November 10, 2004

Jeanne S. Woodford, Director
George Sifuentes, Deputy Director
California Department of Corrections

VIA FedEx

Jill Brown, Warden
San Quentin State Prison

Robert Caputi, Project Manager
Cher Daniels, Environmental Manager
Condemned Inmate Complex Project

As residents of the Greenbrae Boardwalk, a residential neighborhood immediately to the west of San Quentin Prison and facing the proposed Condemned Inmate Complex Project, we are petitioning for a meeting with leaders of the California Department of Corrections as well as those responsible for San Quentin's facility planning.

The meeting we request would consider a resolution to the most serious issue faced by our neighborhood as plans for the CIC Project evolve.

Many in our neighborhood hold differing views regarding the issue of capital punishment, the rationale for the Condemned Inmate Complex, and/or the highest and best use for the future of Point San Quentin.

There is, however, neighborhood agreement that Dairy Hill serves to mitigate the prison's presence in our community. Dairy Hill provides a line-of-sight barrier shielding our homes from the institution's harsh lighting, inmate noise, and barren environment.

We believe that Dairy Hill must be preserved to retain the comfort and security of our homes.

We are requesting a working meeting with CDC planners and decision makers to seek a means of preserving Dairy Hill regardless of decisions concerning the viability and appropriateness of the Condemned Inmate Complex on the San Quentin site.

It is our contention that a full consideration and development of on-site options may help discover the means of preserving Dairy Hill and avoiding degradation of our community. Such a meeting can serve the interests of both parties. We are prepared to send a delegation to meetings in Sacramento or San Quentin or would welcome the opportunity to host CDC officials and EIR consultants here on the Greenbrae Boardwalk.

Bob Moy is our contact person in this effort and can be reached by phone at (415) 461-0995 or via mail to #41 Greenbrae Boardwalk, Greenbrae, CA 94904. As we realize time is of the essence Bob Moy will contact your office so that our discussions need not be delayed by the coming holiday season.

Name

Address

Skip Henderson	39 Boardwalk Greenbrae 94904
Kelly Sultan	143 GREENBRAE BOARDWALK 94904
Scott Haines	35 Greenbrae Boardwalk 94904
Michele Haines	35 Greenbrae Boardwalk 94904
CB Kennedy	68 " " "
Sarah Williamson	68 Greenbrae Boardwalk. 94904

Continued on Page 2

Name	Address
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Robert Stewart May	# 41 GREENBRAE BOARDWALK
Barbara E. May	# 41 Greenbrae Blvd.
Wendy	44 Greenbrae Blvd.
James Day	49 Greenbrae Blvd.
Ann Day	49 Greenbrae Blvd.
Barbara Kuo	68 GREENBRAE BOARDWALK-
Deen Finner	#62 Greenbrae Boardwalk
Allyn Finneran	# 62 GREENBRAE BOARDWALK
Paula Ronie	# 103 " " "
Uelady Sabatasso	" " "
John Marks	#105 Greenbrae Boardwalk
John G. Gove	#129 Greenbrae Boardwalk
John Gove	#125 GREENBRAE BOARDWALK
Kristen Ross	#125 Greenbrae Boardwalk
Sam Jones	129 GREENBRAE BOARDWALK
Marna Goble	129 Greenbrae Boardwalk
Kathleen D. Josephson	135 Greenbrae Boardwalk
Clifford B. Josephson	135 Greenbrae Boardwalk
Jean Nozlin	139 GREENBRAE BDWK
John Saltin	145 Greenbrae Boardwalk
John Saltin	147 Greenbrae Boardwalk
Barbara Jones	52 Boardwalk Greenbrae

Name

Address

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Jung, William	47 GREENBRAE BOARDWALK GREENBRAE 94904
Shob Rickard	65 Greenbrae Blvd Greenbrae 94904
David Zimola	31 Greenbrae Blvd Greenbrae CA 94904
Justin Meestly	70 Greenbrae boardwalk Greenbrae CA 94904
Barbara Moffatt	44 Greenbrae Boardwalk Greenbrae CA 94904
Steve Smyth	52 Greenbrae Boardwalk, Greenbrae 94904
Antonia C. Mueller	69 Board Walk, 94904
Julia Saggara	69 Boardwalk 94904
William Thomas	125 with st. San Francisco CA 94107
Richard A. Pongir	69 Board Walk 94904
Robert H. Jones	101 Boardwalk 94904
Lyle E.	57 Greenbrae Blvd. 94904
Sierra Elman	57 Greenbrae Blvd. 94904
William J. Mapp	113 Greenbrae Blvd 94904
John H. H.	113 Greenbrae Blvd. 94904
William	119 Greenbrae Blvd 94904
Leander Griffith	133 Boardwalk Greenbrae CA 94904
Jerry H. H.	" " " "
Robert H.	137 Greenbrae Boardwalk Greenbrae CA 94904
Robert H.	137 Greenbrae Boardwalk Greenbrae CA 94904

Name	Address
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Barbara Sardella	147 Greenbrae Blvd Greenbrae
Neal Wolfe	147 Greenbrae Blvd Greenbrae
Angie Williams	#58 " " "
Johnnie Hays Smith	147 " "
Patricia	147 " "
John Gammon	121 GREENBRAE BOARROWALK, GB
Nancy Kelly	121 GREENBRAE BOARROWALK, GB

cc:

Office of the Governor
Senator Elect Carole Migden
Assemblyman Joe Nation
Supervisor Steve Kinsey
Elaine Howle, California State Auditor
Michelle Rodriguez, Marin County Planning Department
Jean Bonander, City Manager, City of Larkspur
Neil Toft, Associate Manager, City of Larkspur
Daniel Hillmer, Mayor, City of Larkspur
J.Lundstrom, Vice-Mayor, City of Larkspur
Larry Chu, City Council, City of Larkspur
Kathy Hartzell, City Council, City of Larkspur
Ron Arlas, City Council, City of Larkspur
Jay Tashiro, City Manager, City of Corte Madera
Rod Gould, City Manager, City of San Rafael
Steve Nicol, President Executive Director, The Larkspur Chamber of Commerce
Joannie Connor, President, Larkspur Community Organization
Micab Hinkle, Associate Planner, City of San Rafael
Mat Wilson, Editor, Marin Independent Journal
Keri Bremer, Reporter, County Government News, Marin Independent Journal
John Diaz, Editor, San Francisco Chronicle
Perter Fimrite, San Francisco Chronicle
Linda Xiques, Executive Editor, Pacific Sun
Trevor Noren, Editor, Twin Cities Times
Marin Scope
Mill Valley Herald
San Rafael News Pointer
Ross Valley Reporter
John J.D. McNitt, S.Q.S.P. CIC Site Manager, CDC
Gary Jakobs, AICP, Project Manager, EDAW
Amanda Olekszul, Project Manager, EDAW
Geoff Marmas, Project Manager, KITCHELL CEM
Dan Dawson, Marin Community Development Agency
Tim Haddad, Marin County Community Development Agency
Terry Hennesy, Marin Builder's Association
Barry Crotty, President, Marin Association of Realtors
Scott Feierabend, Executive Director Marin Conservation League
Rodger Roberts, Marin County Conservation League
Victor Gonzalez, Director of Development, Monahan Pacific Corporation
Betsey Bikle, Friends of the Corte Madera Creek Watershed
Brad McCrea, BCDC
Andrea Gaunt, BCDC
East Corte Madera Resident's Association
Marin Home Park
George and Sheila Bertram, Larkspur RV Park
Friends of S.M.A.R.T.

Letter 16

Residents of the Greenbrae Boardwalk November 10, 2004

- 16-1** The comment requested a meeting with CDC to discuss the environmental impacts of the project. CDC responded to the comment's request and attended a meeting with representatives of Greenbrae Boardwalk on December 16, 2004. At the meeting, representatives of the Boardwalk presented similar views as those expressed in the comments. Since the meeting, and in response to these and other comments, CDC has sought to improve the architecture of the CIC. Please see Master Response 2.
- 16-2** The comment states that Dairy Hill should be preserved on-site. At the December 16, 2004, meeting, CDC discussed and depicted the various constraints involved in planning the CIC, as well as the various unsuccessful attempts to design a facility to avoid removal of Dairy Hill. Please refer to Master Response 2.
- 16-3** Please refer to response to comment 16-1.

Matthes, Jessica

From: Edward Segal [edwards@marincountyREALTORS.com]
Sent: Friday, November 12, 2004 2:36 PM
To: sqspdeircomments@edaw.com
Cc: 'Edward Segal'
Subject: San Quentin EIR Comments

Since our faxed comments have not gone through, our comments on the EIR follows below:

Edward Segal
Executive Vice President
Marin Association of REALTORS
45 Mitchell Boulevard, Suite 16
San Rafael, CA 94903
415-507-1011 (Phone)
415-507-1031 (Fax)
"MAR: Your business partner that works to guarantee your business success." Visit us
at www.MarinCountyREALTORS.com

November 12, 2004

Ms. Cher Daniels
Supervising Environmental Planner
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

Dear Ms. Daniels:

On behalf of the 1,500 members of the Marin Association of REALTORS®, I'm writing to express our opinion concerning the proposed expansion of the death row facilities at San Quentin State Prison.

The proposed expansion is the *wrong* thing to do, at the *wrong* place, and at the *wrong* time. We call upon the State of California and Governor Schwarzenegger to do the *right* thing and terminate the expansion plan before it is too late.

Here's why:

- Given the tough economic times the state is going through, the \$220 million to expand the prison could certainly be used to address more pressing problems.
- Considering the fact that so few people are executed in San Quentin each year, this expansion proposal means that we will be building one of the most expensive waiting rooms in the United States. Indeed, people have a greater chance of being killed on local highways than they do on

11/17/2004

death row.

- Proceeding with the expansion proposal will be throwing a golden opportunity down the drain. At San Quentin, we have a once-in-a-lifetime chance to use the site for better and higher purposes, many of which have the potential to generate revenue and taxes to help local and state governments, local cities and communities, and local projects and economies. Over time, the revenues generated from the site could more than make-up for the costs to build a replacement prison elsewhere in the state.
- The state should be more creative in examining other prison alternatives. For example, why can't non-death row inmates be transferred to other prisons, and a death row-only facility be built elsewhere in California where construction and other costs are more reasonable than in Marin?
- There is no magic in keeping the prison in Marin. Indeed, some parts of the country regard prisons as economic development projects that can create jobs and stimulate the local economy. Other communities in California should be surveyed to see which ones would like to have this prison relocated to their area.

It is not too late to prevent this costly, flawed and wasteful expansion project from going forward. The State of California still has time to do the right thing.

Sincerely,

Edward Segal
Executive Vice President
Marin Association of REALTORS
45 Mitchell Boulevard
Suite 16
San Rafael, CA 94903
415-507-1011

11/17/2004

Letter 17

**Marin Association of Realtors
Edward Segal
November 12, 2004**

- 17-1** The comment expresses opposition to the project. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.
- 17-2** The comment states that the Draft EIR should evaluate other alternatives. Please refer to Master Response 1.
- 17-3** The comment expresses opposition to the project. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.

RECEIVED

NOV 15 2004

Compliance

MONAHAN PACIFIC CORPORATION

November 11, 2004

Cher Daniels
California Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

RE: San Quentin State Prison Condemned Inmate Complex Project
DEIR Comments

Dear Ms. Daniels,

Monahan Pacific is the developer of "Drake's Cove", a 23 lot residential subdivision immediately adjacent to San Quentin. Please correct description of Project Location (3.3) and Figure 4.1-1 & 4.4-1 to demonstrate that new residential housing is approved and under construction at San Quentin's western property line in the City of Larkspur (approximately 600 feet from the West Gate). San Quentin also borders a future public park in Larkspur known as Miwok Park. Possible impacts to future immediate neighbors of the project or public use of the park should be considered throughout the document's analysis.

Visual Simulation 4.1-4a, b & c do not show the current conditions. The site improvements for the residential units noted above are underway and the future visual should show the future residential massing for scale and impact. This should be corrected. We are available to provide the Department with that information if asked.

Of all of the alternatives and options our preference is obviously for no project. Of the options described in the DEIR the 2 story option will have less visual impact on our future residents, residents of Larkspur and the many motorists who use E. Sir Francis Drake because it will be set back substantially from the road. It will also preserve the on site housing maintaining the existing buffer and land use transition between the institution and Larkspur. This option will impact the views of Ferry users to a greater extent than the one story option, but in terms of balancing the impacts there are more motorists and neighbors than Ferry users at this time.

The mitigations for the Unavoidable Significant Visual Impact suggested in Table 1-1 (4.1-f) are limited to the use of paint color and tile cast in concrete. Other techniques will be employed "if feasible" or deferred until after the document is certified. In my experience feasible mitigation measure can not be deferred, but must be included in the project requirements.

A "Statement of Overriding Consideration" (sec 15093) will have to make a finding that justifies the infeasibility of any rejected mitigation measures (15091 (3)). "Feasibility" is defined as "Specific economic, legal, social, technological or other considerations...". The DEIR defines "feasible" as "cost, safety and security, maintenance and programming requirements". Typically a prohibitive cost or program change is "infeasible" if it is not possible to accomplish

MONAHAN PACIFIC CORPORATION

21 Fifth Avenue • Suite 300 • San Rafael, California 94901 • Tel: 415-456-0600 • Fax: 415-456-2414

or renders the project objectives infeasible. Short of that public agencies are charged with the responsibility to seriously explore in good faith and require feasible mitigation measures that reduced impacts.

Visual Impact - Landscape Screening

The DEIR identifies Visual Impact as Significant and Unavoidable. With regard to visual simulation 4.1-7c & 4.1-9b the most obvious and feasible mitigation would simply be to install landscaped screening on the eastern side of E. Sir Francis Drake to the West Gate. This will compliment the existing landscaping (4.1-7a). Normally this would consist of planting fast growing trees 30 feet on center and irrigating them for 1 - 2 years until they are established. Very little maintenance after that is needed.

Assume 2400 feet of frontage requires 80 15 gal. trees @ \$500 installed & irrigated the cost might be \$40,000 in order to help mitigate the visual impact of a \$220,000,000 project. They should be required to be planted at the beginning of construction so that they can mature during the 3 year construction period. While obviously an additional project cost landscape screening would seem to be a very appropriate and feasible visual mitigation along E. Sir Francis Drake that a Statement of Overriding Consideration should not be able to find "infeasible".

Visual Impact - Lighting


I am hopeful the Department will add a mitigation measure that states that it will consult with experts in the field to use the latest technologies and methods to minimize the spill over of exterior security lighting to neighboring properties and the night sky. In the Public Utilities section the Department should be required to be as energy efficient as possible. Feasibility here will probably mean a larger up front cost for energy savings in the future.

Visual Impact - Massing

To the greatest extent possible the Department should be required to use all "feasible" techniques to reduce the apparent building mass and list or demonstrate them. These techniques might include use of differing materials and colors, varying shapes, introducing shadow lines, and overall design with a sense of proportion. Many of these techniques have little or no cost impact. Perhaps the State Architect could provide a list of feasible and commonly used techniques to be considered. Even small amounts of variety can mitigate the visual impact of a project.

Thank you for your consideration of these comments.

Sincerely,



Victor Gonzalez

City of Larkspur

Letter 18

Monahan Pacific Corporation

Victor Gonzalez

November 11, 2004

- 18-1** The comment requests that Section 3.3 and Exhibits 4.1-1 and 4.4-1 be modified to incorporate a new residential subdivision that is approved and under construction east of the project site. The comment states that this new residential subdivision is located adjacent to SQSP's western property line. Although the comment is correct that this subdivision is located adjacent to property owned by SQSP (SQSP Gun Ranges 3 and 4), it is not located adjacent to the western property line of the CIC project site. The residential subdivision the comment references is located approximately 0.5 mile west of the SQSP west gate entrance.

With regard to modification of the text and exhibits of the Draft EIR, Section 3.3 is intended to provide a general description of land uses immediately adjacent to the CIC project site, and Exhibit 4.1-1 identifies the representative viewpoints used in the Draft EIR visual analysis. The residential subdivision is neither located adjacent to the CIC project site nor is it a location of a representative viewpoint and, therefore, no changes to the text of the Draft EIR are necessary. Exhibit 4.4-1 has been modified to identify the new residential subdivision. The revised exhibit is presented in Chapter 4, "Corrections and Revisions to the Draft EIR." Exhibit 5-1, which depicts cumulative projects, shows Drake's Cove in a different location than proposed, and this discrepancy has also been corrected in Chapter 4. In spite of this graphical error, the cumulative analysis considered the actual location of Drake's Cove. These revisions do not alter the analysis or conclusions presented in the Draft EIR.

The comment also states that the Draft EIR should evaluate impacts to future residents of the subdivision and the future park (Miwok Park) that will be located within the subdivision. CEQA requires an EIR to evaluate the project's environmental impacts on conditions present at the time the Notice of Preparation (NOP) for the project is published (State CEQA Guidelines Section 15125[a]) and further states that "this environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." At the time the NOP for the project was published, only minor earthwork activities had occurred at the comment's residential subdivision and Miwok Park. SQSP has been a prison for 150 years, and the comment proposed and received approval for a development on property adjacent to the exiting prison property. The proposed CIC replaces other prison uses at SQSP and would not alter any conditions pertaining to compatibility of uses. Regarding impacts to the Drake's Cove project and the park, none are expected because of the continuation of use of the project site for prison uses and the distance (0.5 miles) between the CIC and Drake's Cove. The comment's residential subdivision was, however, considered in the Cumulative Impacts discussion (Chapter 5) of the Draft EIR. Please refer to Table 5-1, item 6.

- 18-2** The comment states that the visual simulations 4.1-4a, b, and c do not show current conditions and that the visual simulations should show the future residential subdivision massing. Exhibit 4.1-4a is a photographic exhibit of the existing views of SQSP from the Larkspur Ferry Terminal and represent the visual conditions at the time the photograph was taken (March 2004). Construction activities at the comment's residential subdivision were either not underway or were not visible from this viewpoint. With regard to the comment's request to visually simulate the residential subdivision in Exhibits 4.1-4 b and c, the purpose of these visual simulations is to approximate the

visual changes that would occur at the project site under day and nighttime conditions. Adding the future residences to the viewshed would not alter the views of the project. Please refer to Master Response 2.

- 18-3** The comment indicates a preference for the No Project Alternative followed by the Stacked Design Option. This comment is acknowledged. Neither option would be substantially visible, if at all, from the subject viewpoint. Please see Master Response 2.
- 18-4** The comment suggests that the Draft EIR defers mitigation for visual impacts. The Draft EIR analysis and recommended mitigation fully complies with the requirements of CEQA. The Draft EIR recommends and describes feasible mitigation that could be implemented by CDC to reduce the project's significant visual impacts. The Draft EIR also simulates the recommended mitigation design concepts to visually depict how the recommended measures would reduce the project's visual impacts (please refer to Exhibits 4.1-11 and 4.1-12). Visual mitigation has not been deferred to a later date as is suggested by the comment. Rather, CDC has indicated that the final details of the mitigating design elements will be determined through the design process, which complies with the requirements of CEQA. CDC readily acknowledges some mitigation concepts may not be feasible; however, CDC is not proposing to defer mitigation. Furthermore, CDC acknowledges that the visual resources impact is significant and unavoidable. Please refer to Master Response 2.
- 18-5** The comment summarizes the requirements of CEQA regarding preparation of a Statement of Overriding Considerations. This comment is acknowledged. As described in Master Response 2, CDC is responding to public input over aesthetic concerns by exploring designs that enhance the facility's architectural detail. These design elements add approximately \$1.5 million to the overall cost of the project. No further response is necessary as no issues related to the environmental impacts of the project were raised.
- 18-6** The comment provides suggestions for visual mitigation that could be implemented at SQSP. This comment is acknowledged. Please refer to Master Response 2 and response to comment 18-5.
- 18-7** The comment provides suggestions for visual mitigation related to lighting. This comment is acknowledged. Please refer to Master Response 2 and response to comment 11-11.
- 18-8** The comment provides suggestions for visual mitigation related to massing. This comment is acknowledged. Please refer to Master Response 2.



Ms. Cher Daniels
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California Department of Corrections
Facilities Management Division
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Sacramento, CA 95814

Response to Draft EIR for:
San Quentin State Prison, Condemned Inmate Complex Project

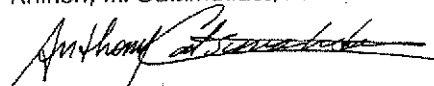
Dear Ms. Daniels,

Thank you for the opportunity to respond to the Draft EIR for the expansion of San Quentin Prison. The American Institute of Architects (AIA), San Francisco Chapter and the Marin Task Force, an AIA committee involved with community issues in Marin County, have serious reservations about the San Quentin Prison expansion as currently proposed in the Draft EIR. The Draft EIR as presented does not adequately address alternatives as required by CEQA and has serious omissions:

- The DEIR mentions, but does not seriously address the possibility of alternate locations for the prison. The State should carefully consider the long term future of San Quentin, and whether it is in the best interest of the State and County to maintain the prison at its current site.
- The DEIR incorrectly states that there is a sufficient employment base and an ample housing supply locally, when 86 percent of San Quentin employees commute from outside of Marin County.
- The DEIR does not consider environmental impacts to the Corte Madera Marsh.
- The impact of light levels necessary for security purposes is not evaluated in terms of the surrounding communities that must live with them.
- The DEIR does not present a realistic traffic study.
- The cost of renovation to remedy the deteriorating conditions of the existing buildings has not been addressed in the DEIR. According to the DEIR, the cost of building the proposed prison facilities is around \$220 million, money that might be better spent on the existing facility. We recommend that the larger picture be considered before moving ahead with this proposal.

The AIA believes that the design of the physical environment directly affects the quality of our lives. An EIR is not just a bureaucratic exercise; it is an important step in the planning process. The process needs to be taken seriously, and the findings of the report should be adequately addressed in the program and design of the proposed project.

Sincerely,
Anthony M. Catsimatides, AIA

A handwritten signature in black ink, appearing to read "Anthony M. Catsimatides", written over a horizontal line.

Committee Chair, Marin Task Force
American Institute of Architects, San Francisco Chapter

Letter 19

American Institute of Architects, San Francisco Chapter

Anthony Catsimatides

November 15, 2004

- 19-1** The comment states that the Draft EIR should evaluate alternate locations for the project. Please refer to Master Response 1.
- 19-2** The comment states that the Draft EIR incorrectly states there is a sufficient employment base and local housing supply. Please refer to responses to comments 9-26, 9-50, and 15-6.
- 19-3** The comment states that the Draft EIR does not consider environmental impacts to the Corte Madera Marsh but does not provide any details of how the project could affect this resource. The Draft EIR evaluated the environmental impacts of the project in the resource areas (i.e., biological, water quality, visual) and physical locations where they would occur (i.e., at or adjacent to SQSP). To the degree that the project would affect the resources of the Corte Madera Marsh (i.e., water quality, biological resources), these issues have been addressed in the resource sections of the Draft EIR. Also, please see response to comment 9-42 and Chapter 4 of the Draft EIR.
- 19-4** The comment states that the Draft EIR does not evaluate the lighting impacts of the project. CDC disagrees. Section 4.1, “Visual Resources,” of the Draft EIR provides a discussion of the project nighttime lighting impacts. Please refer to Master Response 2.
- 19-5** The comment states that the Draft EIR does not provide a realistic traffic study, but does not indicate why the analysis in the Draft EIR is not adequate. The Draft EIR analyzes the project’s potential transportation and circulation impacts. Please refer to Section 4.12 (“Transportation”) of the Draft EIR. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 19-6** The comment recommends that the full costs of the project be considered before project approval. This comment is acknowledged. Although the costs of the project are an important factor when considering approval of a project, the costs of the project are not relevant to the discussion of the project’s environmental impacts, and an evaluation of the economic impacts of a project is not required by CEQA (State CEQA Guidelines Section 15382). Furthermore, renovation of existing facilities is physically infeasible; see Master Response 1.
- 19-7** The comment provides a concluding statement regarding the EIR process. This comment is acknowledged. CDC takes its responsibilities under CEQA seriously and is implementing all feasible mitigation measures. As shown in these responses to comments, CDC has modified the project to address issues raised. In particular, CDC is considering modifying the appearance of the project as a response to comments received on the design of the buildings. See Master Response 2.